

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|---------------------------------|---|--------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | NO. 3:23-cr-00125 |
| v. |) | |
| |) | JUDGE CAMPBELL |
| BRANDON WESLEY ROGERS |) | |

ORDER

Pending before the Court is Defendant's unopposed motion to continue the trial in this matter, currently set for November 7, 2023, because defense counsel needs additional time to review discovery and investigate. (Doc. No. 18). The Government does not oppose the pending motion, and Defendant has filed a Waiver of Speedy Trial rights. (Doc. No. 20).

The Motion is **GRANTED**, and the trial is **CONTINUED** to March 19, 2024. All deadlines associated with the November 7, 2023 trial date are rescheduled as set forth in this Order. The Court will hold a pretrial conference on March 4, 2024, at 2:00 p.m. All lawyers who will participate in the trial must attend the pretrial conference. Pretrial motions shall be filed by February 13, 2024, and any response shall be filed within 14 days.

The Court concludes that the period of delay occasioned by the granting of the continuance is reasonable and excludable under the Speedy Trial Act, 18 U.S.C. §§ 3161, *et seq.* The Court specifically finds that the interests of justice served by granting the continuance outweigh the interests of the public and Defendant in a speedy trial on the date previously scheduled. 18 U.S.C. § 3161(h)(7)(A), (B). Defendant is likely to be prejudiced if counsel is not adequately prepared for the trial despite due diligence, and the public interest will not be served if such prejudice ultimately requires this case to be retried.

Any plea agreement shall be consummated on or before February 26, 2024, and the courtroom deputy so notified. If a plea agreement is submitted, the hearing to take the plea will take place on March 4, 2024, at 2:00 p.m. On or before February 27, 2024, the parties shall submit to chambers the proposed plea agreement, and a document that lists the elements of each offense to for which Defendant is pleading guilty and the statutory penalty for each, including period of incarceration, fine, and the applicable period of supervised release, and Defendant shall submit a plea petition. If the parties are prepared to proceed with a change-of-plea hearing before this date, they may file a motion requesting an earlier hearing date.

If the case is to be tried, the parties shall file the following on or before February 27, 2024:

1. An agreed set of case specific jury instructions, with citations to supporting authorities.
2. Alternative versions of jury instructions on which there is not an agreement, with citations to supporting authorities.
3. An agreed verdict form or alternative versions.

The parties shall email a Word version of all proposed instructions and verdict forms that are filed to ccampbellchambers@tnmd.uscourts.gov.

All notices under Federal Rule of Evidence 404(b) and expert disclosure pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) and (b)(1)(C) shall be provided by February 13, 2024. Motions in limine shall be filed on or before February 20, 2024, and responses shall be filed on or before February 27, 2024.


Any motion to continue the trial shall be filed by February 27, 2024, and any response shall be filed by March 1, 2024. All motions to continue shall be accompanied by a Waiver of Speedy Trial Rights executed by Defendant, or shall contain an explanation of why such Waiver is not

attached.

The parties are forewarned that motions filed after the deadlines set forth herein may not be considered by the Court. Counsel for the parties shall comply timely with the discovery and motion provisions of L.Cr.R. 12.01 and 16.01.

Defendant shall attend all court proceedings in this case. If a defendant is in custody, the Government shall take all necessary actions to secure the timely presence of the defendant at all Court proceedings. Counsel for Defendant shall make sure street clothes are available timely for Defendant at trial.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE